

ARTICLE D

Non-conforming Uses, Structures and Lots

SEC. 13-1-43 **EXISTING NONCONFORMING USES, STRUCTURES, AND LOTS.**

- (a) **CONTINUANCE.** Any nonconforming use, structure, or lot which existed lawfully at the time of the adoption of this ordinance or amendment thereto may be continued except as provided herein although such use, structure, or lots does not conform with the provisions of all applicable zoning ordinances.
- (b) **LIMITATIONS.**
 - (1) Public Nuisance. Any nonconforming use, structure, or lot which constitutes a public nuisance shall not be permitted to continue as a legal nonconforming property.
 - (2) Changes. Once a nonconforming use, structure, or lot has been changed to conform with any requirement of this Code, it shall not revert to a nonconforming use, structure, or lot and shall lose its legal nonconforming status.
 - (3) Termination or Vacancy. If a nonconforming use is discontinued or terminated for a period of twelve (12) months or a nonconforming structure or lot remains vacant for a period of twelve (12) months, any future use of the lot shall conform to all applicable zoning requirements.
 - (4) Nonconforming Structure Destroyed.
 - a. When a nonconforming structure has been destroyed by fire or other calamity to the extent of not more than fifty percent (50%) of its equalized value, the same may be rebuilt.
 - b. When a nonconforming structure is destroyed to the extent of more than fifty percent (50%) of its equalized value, it may be rebuilt in compliance with all applicable zoning requirements.

SEC. 13-1-44 **CHANGES TO EXISTING NONCONFORMING USES, STRUCTURES, AND LOTS.**

- (a) **EXISTING NONCONFORMING USES.**
 - (1) The lawful nonconforming use of a property existing at the time of the adoption of this ordinance or amendment thereto may be continued, although the structure may not be expanded, enlarged, reconstructed, structurally altered, or moved except when required to do so by law or order or so as to comply with applicable zoning requirements.
 - (2) Lots which contain nonconforming sign(s) may not be improved and no structure on such lot may be expanded, enlarged, reconstructed, or moved except when required to do so by law or order or so as to comply with applicable zoning requirements.
 - (3) Normal maintenance of a structure containing a nonconforming use is permitted, including repairs or incidental alterations which do not extend or intensify the nonconforming use.
 - (4) Mini warehouse facilities in existence prior to January 1, 1991 located within the C-1 and C-4 Zoning Districts may be expanded or enlarged subject to application for and approval of a special use permit. Any such addition or expansion shall

comply with the zoning standards of the respective districts.

(b) **EXISTING NONCONFORMING STRUCTURES in the R-1, C-1, C-2, C-2, I-1, AND I-2 ZONING DISTRICTS.**

- (1) Nonconforming structures in the R-1 zoning district existing at the time of the adoption of this ordinance or amendment thereto may be expanded, enlarged, or improved provided that any new construction shall conform to all applicable zoning requirements. Such addition or alteration shall not increase the degree of nonconformity of the existing structure.
- (2) Nonconforming structures in the C-1, C-2, C-3, I-1, and I-2 zoning districts existing at the time of the adoption of this ordinance or amendment thereto may be expanded, enlarged, or improved upon application and approval of a Special Use Permit pursuant to Sec. 13-1-11. Any new construction shall conform to all applicable zoning requirements. Such addition or alteration shall not increase the degree of nonconformity of the existing structure.

(c) **EXCEPTIONS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS.**

- (1) New garages and accessory structures may be constructed in conformance with all applicable zoning requirements as follows:
 - a. on lots of record that do not meet the minimum requirements for area and width;
 - b. on lots of record where the existing principal structure does not meet the dimensional requirements; and,
 - c. on lots of record maintaining a nonconforming use.
- (2) Nonconforming detached garages and accessory structures may be altered or enlarged provided that the existing side or rear yard dimensions are within fifty percent (50%) of the applicable zoning requirements. Such alteration or enlargement shall be made in conformance with all applicable zoning requirements.

(d) **EXISTING LOTS.**

- (1) Lot Use. Any lot of record which does not meet the minimum zoning requirements as to area or lot dimensions may be utilized for uses permitted within the applicable zoning district provided that both the area and lot dimensions are within seventy-five percent (75%) of the applicable zoning requirements.
- (2) Lot Reductions. No lot of record shall be so reduced that the dimensional and setback requirements of the applicable zoning district cannot be met.
- (3) Lot Divisions. No lot of record shall be divided into two or more lots unless the lots resulting from said division shall conform with all applicable zoning requirements.

SEC. 13-1-45 EXISTING NONCONFORMING STRUCTURES.

- (a) **EXISTING NONCONFORMING STRUCTURES.** The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) **MAINTENANCE.** Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

(c) **EXCEPTIONS.**

- (1) New garages and accessory buildings may be constructed in conformance with the requirements of this code as follows:
 - a. On lots of record that do not meet the minimum requirements for area and width;
 - b. On lots of record where the existing principal structure does not meet the dimensional requirements; and,
 - c. On lots of record maintaining a non-conforming use.
- (2) Nonconforming detached garages and accessory buildings may be altered or enlarged provided that the existing side or rear yard dimensions are within fifty percent (50%) of the requirements of this Code. Such enlargement shall be made in conformance with the regulations of this Code.

(d) **EXISTING LOTS.**

- (1) Any lot of record which does not meet the minimum requirements of this Code as to area or dimensions may be utilized for single and two (2) family purposes, provided that both the area and lot dimensions are within seventy-five percent (75%) of the requirements of this Code.
- (2) Two (2) family dwellings may be constructed or restored, or single-family dwellings converted to two (2) family use on substandard-sized lots located in R-2 Districts if:
 - a. The front, side and rear yard requirements of the district can be maintained.
 - b. The prevailing use of the block (both sides where the lot is located) is primarily two (2) family.

SEC. 13-1-46 CHANGES AND SUBSTITUTIONS.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

SEC. 13-1-47 THROUGH 13-1-49 RESERVED FOR FUTURE USE.